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BAKER & MCKENZIE
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AUG 16 2004

OFFICE OF PETITIONS

In re Application of
Christina E. Colabella
Application No. 09/911,123
Filed: July 23, 2001
Attorney Docket No. 56145473-17

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed November 19, 2003.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$950 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-9220.

The application file is being referred to Technology Center AU 3624, for further processing of the request for continued examination under 37 CFR 1.114 filed June 3, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy